

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 **INSTRUCTIONS FOR PRISONER'S**
4 **IN FORMA PAUPERIS APPLICATION**

5 You must submit to the court a completed Prisoner's In Forma Pauperis Application if you are
6 unable to pay the entire filing fee at the time you file your complaint or petition. Your application must
7 include copies of the prisoner trust account statement showing transactions for the last six months and
8 a certificate of funds in prisoner's account, signed by an authorized officer of the institution.

9 **A. Non-habeas Civil Actions**

10 The filing fee for any civil action other than a habeas is \$150.00. Even if you are granted leave
11 to proceed in forma pauperis, you must still pay the full amount of the court's filing fee, but the fee will
12 be paid in several installments. 28 U.S.C. § 1915.

13 You must pay an initial partial filing fee of 20 percent of the greater of (a) the average monthly
14 deposits to your account for the 6-month period immediately before the complaint was filed or (b) the
15 average monthly balance in your account for the 6-month period immediately before the complaint was
16 filed. The court will use the information provided on the certificate of funds and the trust account
17 statement to determine the filing fee immediately due and will send instructions to you and the prison trust
18 account office for payment if in forma pauperis status is granted.

19 After the initial partial filing fee is paid, your prison's trust account office will forward to the court
20 each month 20 percent of the most recent month's income to your prison trust account, to the extent the
21 account balance exceeds ten dollars (\$10.00). Monthly payments will be required until the full filing fee
22 is paid. If you have no funds over ten dollars (\$10.00) in your account, you will not be required to pay
23 part of the filing fee that month.

24 **If your application to proceed in forma pauperis is granted, you will be liable for the
25 full \$150.00 filing fee even if your civil action is dismissed. That means the court will
26 continue to collect payments until the entire filing fee is paid. However, if you do not
27 submit this completed application the action will be dismissed without prejudice and the
28 filing fee will not be collected.**

B. Habeas Actions

The filing fee for a habeas action is \$5.00. If you are granted leave to proceed in forma
pauperis you will not be required to pay any portion of this fee. If you are not granted leave to
proceed in forma pauperis you must pay the fee in one payment and not in installments. **If you use
a habeas form to file a non-habeas civil action, you will be required to pay the \$150.00 filing
fee applicable to all non-habeas civil actions.**

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff,

vs.

Defendant.

CASE NO. _____

**PRISONER'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS**

I, _____, declare, under penalty of perjury that I am the plaintiff in the above entitled case and that the information I offer throughout this application is true and correct. I offer this application in support of my request to proceed without being required to prepay the full amount of fees, costs or give security. I state that because of my poverty I am unable to pay the costs of this action or give security, and that I believe that I am entitled to relief.

In support of this application, I provide the following information:

1. Are you presently employed? Yes ____ No ____
If your answer is "yes," state both your gross and net salary or wages per month, and give the name and address of your employer:
Gross: _____ Net: _____
Employer: _____

If the answer is "no," state the date of last employment and the amount of the gross and net salary
PRIS. APPLIC. TO PROC. IN FORMA

1 and wages per month which you received. (If you are imprisoned, specify the last place of
2 employment prior to imprisonment.)

3 _____
4 _____
5 _____

6 2. Have you received, within the past twelve (12) months, any money from any of the following
7 sources:

8 a. Business, Profession or Yes ____ No ____
9 self employment

10 b. Income from stocks, bonds, Yes ____ No ____
11 or royalties?

12 c. Rent payments? Yes ____ No ____

13 d. Pensions, annuities, or Yes ____ No ____
14 life insurance payments?

15 e. Federal or State welfare payments, Yes ____ No ____
16 Social Security or other govern-
17 ment source?

18 If the answer is "yes" to any of the above, describe each source of money and state the amount
19 received from each.

20 _____
21 _____

22 3. Are you married? Yes ____ No ____

23 Spouse's Full Name: _____

24 Spouse's Place of Employment: _____

25 Spouse's Monthly Salary, Wages or Income:

26 Gross \$ _____ Net \$ _____

27 4. a. List amount you contribute to your spouse's support:\$ _____

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PAUPERIS, Case No. _____

1 b. List the persons other than your spouse who are dependent upon you for support
2 and indicate how much you contribute toward their support. (NOTE: For minor
3 children, list only their initials and ages. DO NOT INCLUDE THEIR NAMES.).
4 _____
5 _____

6 5. Do you own or are you buying a home? Yes ____ No ____

7 Estimated Market Value: \$ _____ Amount of Mortgage: \$ _____

8 6. Do you own an automobile? Yes ____ No ____

9 Make _____ Year _____ Model _____

10 Is it financed? Yes ____ No ____ If so, Total due: \$ _____

11 Monthly Payment: \$ _____

12 7. Do you have a bank account? Yes ____ No ____ (Do not include account numbers.)

13 Name(s) and address(es) of bank: _____

14 _____

15 Present balance(s): \$ _____

16 Do you own any cash? Yes ____ No ____ Amount: \$ _____

17 Do you have any other assets? (If "yes," provide a description of each asset and its estimated
18 market value.) Yes ____ No ____
19 _____

20 8. What are your monthly expenses?

21 Rent: \$ _____ Utilities: _____

22 Food: \$ _____ Clothing: _____

23 Charge Accounts:

24 <u>Name of Account</u>	24 <u>Monthly Payment</u>	24 <u>Total Owed on This Acct.</u>
25 _____	25 \$ _____	25 \$ _____
26 _____	26 \$ _____	26 \$ _____
27 _____	27 \$ _____	27 \$ _____

28

PRIS. APPLIC. TO PROC. IN FORMA

PAUPERIS, Case No. _____

1 9. Do you have any other debts? (List current obligations, indicating amounts and to whom
2 they are payable. Do not include account numbers.)

3 _____
4 _____

5 10. Does the complaint which you are seeking to file raise claims that have been presented in
6 other lawsuits? Yes ____ No ____

7 Please list the case name(s) and number(s) of the prior lawsuit(s), and the name of the court in which
8 they were filed.

9 _____
10 _____

11 I consent to prison officials withdrawing from my trust account and paying to the court the
12 initial partial filing fee and all installment payments required by the court.

13 I declare under the penalty of perjury that the foregoing is true and correct and understand
14 that a false statement herein may result in the dismissal of my claims.

15 _____
16 _____

17 DATE

SIGNATURE OF APPLICANT

Case Number: _____

CERTIFICATE OF FUNDS

IN

PRISONER'S ACCOUNT

I certify that attached hereto is a true and correct copy of the prisoner's trust account statement showing transactions of _____ for the last six months at [prisoner name] _____ where (s)he is confined.

[name of institution]

I further certify that the average deposits each month to this prisoner's account for the most recent 6-month period were \$ _____ and the average balance in the prisoner's account each month for the most recent 6-month period was \$ _____.

Dated: _____

[Authorized officer of the institution]